
(2019) 05 RAJ CK 0057

In the Rajasthan High Court

Case No : Special Appeal Writ No. 545 Of 2019

Bharat Kumar Rawal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 08-05-2019

Acts Referred:

Citation : (2019) 05 RAJ CK 0057

Hon'ble Judges : P.K. Lohra, J;Abhay Chaturvedi, J

Bench : Division Bench

Advocate : Rishabh Tayal

Final Decision : Dismissed

Judgement

Appellant-petitioner has preferred this intra-court appeal to challenge order dated 20th of February, 2019, passed by learned Single Judge, dismissing his writ petition against order dated 5th of October, 2018 (Annex.4 with the writ petition).

By the judgment and order impugned, learned Single Judge has declined to interfere with the order dated 5th of October, 2018, whereby private respondent was selected for allotment of fairprice shop in Village Dhanala, Panchayat Samiti Marwar Junction, pursuant to notification/advertisement dated 17th of March, 2016 (Annex.1). Essentially, appellant has questioned allotment of fairprice shop to private respondent on the ground that he is better qualified vis-a-vis the private respondent having qualification of BCA, whereas the respondent is not possessing RKCL or its equivalent training, which is required for allotment of fairprice shop.

The learned Single Judge, after considering the afflictions of appellant, has found that private respondent is possessing the qualification of graduation and as per Annex.1, he would be entitled for allotment of fairprice shop after completing requisite training within six months. It is also observed by learned Single Judge that the aforesaid training is to be imparted to an incumbent after receiving

declaration from the incumbent.

We have considered the submissions made by learned counsel for the appellant and perused the impugned judgment and order.

There is no dispute that private respondent was possessing basic qualification of graduation and therefore, solely on the ground that he was not possessing three months' certificate of training in computer either from RKCL or any other equivalent Govt. institution, it is rather difficult to comprehend that he was lacking requisite qualification. While declining relief to the appellant, learned Single Judge has also relied upon clause 1(ii) of Annex.1. Apart from it, respondent is also belonging to privileged class being Scheduled Caste and in column 12 of his application form (Annex.3), he has disclosed the fact of joining RS-CIT Course with a further stipulation to produce the requisite certificate after completing the course.

Undeniably, selection of candidates for allotment of fairprice shop is in the exclusive domain of administration and sans any allegation of arbitrariness in the selection process, same cannot be made subject-matter of judicial review in exercise of extraordinary jurisdiction. Therefore, unhesitatingly, we are in agreement with the learned Single Judge.

In this view of the matter, we find no reason to interfere with the impugned judgment and order passed by the learned Single Judge.

Consequently, the appeal fails and same is, hereby, rejected summarily.